

1 TITLE XI - GENERAL PROVISIONS, DEFINITIONS AND
2 ACCOUNTABILITY
3
4 DEFINITIONS
5 SEC. 1101. Part A of title XIV of the ESEA is
6 amended--
7 (1) in section 14101--
8 (A) in paragraphs (5), (6), (7), and (8),
9 by striking out "section 14302" and inserting in lieu
10 thereof "section 11502";
11 (B) by amending paragraph (10) to read as
12 follows:
13 "(10) COVERED PROGRAM. The term 'covered
14 program' means each of the programs authorized by--
15 "(A) part A of title I,
16 "(B) part C of title I;
17 "(C) part A of title II;
18 "(D) subpart 1 of part D of title III;
19 "(E) part A of title IV (other than section
20 4115);
21 "(F) the Comprehensive School Reform
22 Demonstration Program; and
23 "(G) title VI.";
24 (C) in paragraph (11)(B), by striking out
25 "and title VI";

1 (D) in paragraph (24), by striking out
2 "section 602(a)(17)" and inserting in lieu thereof "section
3 602(22)";

4 (E) by redesignating paragraphs (15)
5 through (29) as paragraphs (16) through (30), respectively;
6 and

7 (F) by inserting after paragraph (14) a new
8 paragraph (15) to read as follows:

9 "(15) FAMILY LITERARY SERVICES. The term
10 'family literacy services' means services provided to
11 eligible participants on a voluntary basis that are of
12 sufficient intensity, both in hours and duration, to make
13 sustainable changes in a family, and that integrate all of
14 the following activities:

15 "(A) Interactive literacy activities
16 between parents and their children.

17 "(B) Training for parents on how to be the
18 primary teachers for their children and full partners in
19 the education of their children.

20 "(C) Parent literacy training that leads to
21 economic self-sufficiency.

22 "(D) An age-appropriate education to
23 prepare children for success in school and life
24 experiences."; and

1 (2) in section 14102, by striki ng out "Parts B,
2 C, D, E, and F" and inserting in lieu thereof "Parts D, E,
3 F, and G".

4

5 ADMINISTRATIVE FUNDS

6 SEC. 1102. Part B of title XIV of the ESEA is
7 amended—

8 (1) in section 14201—

9 (A) by amending subsection (a)(2) to read
10 as follows:

11 "(2) APPLICABILITY. This section applies to—

12 (A) programs under title I and those
13 programs described in subparagraphs (C), (D), and (E) of
14 section 11101(10);

15 (B) the Comprehensive School Reform
16 Demonstration Program;

17 (C) title VI;

18 (D) the Carl D. Perkins Vocational and
19 Technical Education Act of 1998; and

20 (E) such other programs as the Secretary
21 may designate.";

22 (B) by amending subsection (b)(2) to read
23 as follows:

1 "(2) ADDITIONAL USES. A State educational
2 agency may also use the funds available under this section
3 for administrative activities designed to enhance the
4 effective and coordinated use of funds under the programs
5 included in the consolidation under subsection (a), such
6 as—

7 "(A) State-level activities designed to
8 carry out this title, including part B;

9 "(B) the coordination of those programs
10 with other Federal and non-Federal programs;

11 "(C) the establishment and operation of
12 peer-review mechanisms under this Act;

13 "(D) collaborative activities with other
14 State educational agencies to improve administration under
15 this Act;

16 "(E) the dissemination of information
17 regarding model programs and practices;

18 "(F) technical assistance under the
19 programs specified in subsection (a)(2);

20 "(G) training personnel engaged in audit
21 and other monitoring activities; and

22 "(H) implementation of the Cooperative
23 Audit Resolution and Oversight Initiative."; and

24 (C) by striking out subsection (f);

1 (2) in section 14203--

2 (A) in subsection (b), by striking out

3 "Improving America's Schools Act of 1994" and inserting in

4 lieu thereof "Educational Excellence for All Children Act

5 of 1999"; and

6 (B) in subsection (d), by striking out "the

7 uses described in section 14201(b)(2)" and inserting in

8 lieu thereof "for uses, at the school district and school

9 levels, comparable to those described in section

10 11401(b)(2)";

11 (3) by repealing section 14204;

12 (4) in section 14205(a)(2)(B)(i), by striking

13 out "National Education Goals" and inserting in lieu

14 thereof "America's Education Goals"; and

15 (5) in section 14206--

16 (A) by amending the section heading to

17 read: "MOST EFFECTIVE USE OF PROGRAM FUNDS.";

18 (B) by amending subsection (a) to read as

19 follows:

20 "(a) MOST EFFECTIVE USE. With the approval of its

21 State educational agency, a local educational agency that

22 determines for any fiscal year that funds under a covered

23 program (other than part A of title I) would be more

24 effective in helping all its students achieve the State's

1 challenging standards if used under another covered
2 program, may use those funds, not to exceed five percent of
3 the local educational agency's total allotment for that
4 fiscal year, to carry out programs and activities under
5 that other covered program."; and

6 (C) in subsection (b), by striking out
7 "title XI of this Act" and inserting in lieu thereof "part
8 I of this title".

9

10 COORDINATION OF PROGRAMS

11 SEC. 1103. Part C of title XIV of the Act is amended—

12 (1) in the heading thereof, by striking out "AND
13 APPLICATIONS";

14 (2) by amending section 14302 to read as
15 follows:

16 "OPTIONAL CONSOLIDATED STATE PLANS

17 "SEC. 14302. (a) GENERAL.—(1) PURPOSE AND
18 AUTHORITY. In order to promote continuing, standards-based
19 education reform , encourage the integration and
20 coordination of resources, and simplify application
21 requirements and reduce burden for State educational
22 agencies under this Act, the Secretary, in accordance with
23 subsection (b), shall establish procedures and criteria
24 under which a State educational agency may submit a

1 consolidated State plan meeting the requirements of this
2 section for any or all of--
3 "(A) the covered programs in which the
4 State participates; and
5 "(B) the additional programs described in
6 paragraph (2).
7 "(2) ADDITIONAL PROGRAMS. A State educational
8 agency may also include in its consolidated State plan--
9 "(A) the Even Start program under part B of
10 title I;
11 "(B) the State Agency Programs for Children
12 and Youth Who Are Neglected or Delinquent under part D of
13 title I;
14 "(C) programs under part A of title II of
15 the Carl D. Perkins Vocational and Technical Education Act
16 of 1998; and
17 "(D) such other programs as the Secretary
18 may designate.
19 "(3) STATE DEVELOPMENT AND SUBMISSION. --(A) A
20 State educational agency desiring to receive a grant under
21 two or more of the programs to which this section applies
22 may submit a consolidated State plan for those programs
23 that satisfies the procedures and criteria established
24 under this section.

1 "(B) A State educational agency that
2 submits a consolidated State plan shall not be required to
3 submit separate State plans or applications for the
4 programs included in the consolidated State plan.

5 "(C) A State educational agency that
6 submits a consolidated State plan shall comply with all the
7 requirements applicable to the programs in the consolidated
8 State plan as if it had submitted separate State plans.

9 "(4) CONSOLIDATED STATE PLANS. A State
10 educational agency that desires to receive funds under a
11 program to which this section applies for the fiscal year
12 2001 and the succeeding four fiscal years shall submit to
13 the Secretary a new consolidated plan that meets the
14 requirements of this section within the time specified by
15 the Secretary.

16 "(b) PLAN CONTENTS. -(1) COLLABORATIVE PROCESS. -(A)
17 In establishing criteria and procedures under this section,
18 the Secretary shall collaborate with State educational
19 agencies and, as appropriate, with other State agencies,
20 local educational agencies, public and private nonprofit
21 agencies, organizations, and institutions, private schools,
22 and representatives of parents, students, and teachers.

23 "(B)(i) Through the collaborative process
24 described in paragraph (1), the Secretary shall establish,

1 for each program under the Act to which this section
2 applies, the descriptions and information that must be
3 included in a consolidated State plan.

4 "(ii) In carrying out clause (i), the
5 Secretary shall ensure that a consolidated State plan
6 contains, for each program included in the plan, the
7 descriptions and information needed to ensure proper and
8 effective administration of that program in accordance with
9 its purposes.

10 "(2) INTEGRATION AND COORDINATION OF RESOURCES.

11 In its consolidated plan under this section, a State
12 educational agency shall describe how—

13 "(A) funds under the programs included in
14 the plan will be integrated to best serve the students and
15 teachers intended to benefit from those programs; and

16 "(B) those programs will be coordinated at
17 the State, school district, and school levels with—

18 "(i) other covered programs not
19 included in the plan; and

20 "(ii) related programs, such as
21 programs under the Reading Excellence Act under part E of
22 title I, the 21st Century Community Learning Centers
23 program and the High School Reform program under Parts G
24 and H of Title X, respectively, and the Teacher Quality

1 Enhancement Programs, and the Gaining Early Awareness and
2 Readiness for Undergraduate Programs under Title II and
3 chapter 2 of subpart 2 of part A of title IV, of the Higher
4 Education Act of 1965, respectively.

5 "(c) INDICATORS. In order to evaluate its
6 performance under its consolidated State plan, a State
7 educational agency shall include in its plan—

8 "(1) any information required by the Secretary
9 under section 11912 regarding performance indicators,
10 benchmarks, and targets; and

11 "(2) any other indicators or measures the State
12 determines are appropriate for evaluating its performance
13 under its consolidated State plan.

14 "(d) MONITORING AND DATA INTEGRITY. A State
15 educational agency shall include in its consolidated State
16 plan a description of the strategies it will use to meet
17 the requirements of section 11503(a)(4) and (5).

18 "(e) PEER REVIEW AND SECRETARIAL APPROVAL. (1) The
19 Secretary shall—

20 "(A) establish a peer-review process to
21 assist in the review, and provide recommendations for the
22 revision, of consolidated State plans under this section;
23 and

1 "(B) to the extent practicable, appoint
2 individuals to the peer-review process who—
3 "(i) are knowledgeable about the
4 programs, and the populations they serve, included in the
5 plans;
6 "(ii) are representative of State
7 educational agencies, local educational agencies, teachers,
8 and parents of students served under those programs; and
9 "(iii) have expertise on educational
10 standards, assessments, and accountability.
11 "(2)(A) Following such peer review, the
12 Secretary shall approve a consolidated State plan if the
13 Secretary determines that the plan meets the requirements
14 of this section.
15 "(B) The Secretary may accompany such
16 approval with one or more conditions that the State
17 educational agency shall meet.
18 "(3) If the Secretary determines that the plan
19 does not meet the requirements of this section, the
20 Secretary shall notify the State of that determination and
21 the reasons for it.
22 "(4) The Secretary shall not finally disapprove
23 a consolidated State plan before—

1 "(A) offering the State an opportunity to
2 revise its plan;
3 "(B) providing technical assistance to
4 assist the State to meet the requirements; and
5 "(C) providing a hearing.
6 "(f) REVISION AND AMENDMENT. A State educational
7 agency shall periodically review its consolidated State
8 plan to ensure that it accurately reflects its strategies
9 and activities under the programs covered by the plan. If
10 the State educational agency makes significant changes to
11 its strategies and activities, it shall submit an amendment
12 to its plan to the Secretary for approval in accordance
13 with this section. ";
14 (3) in section 14303(a)–
15 (A) in the matter before paragraph (1)–
16 (i) by striking out "or consolidated
17 State application"; and
18 (ii) by striking out "section 14302"
19 and inserting in lieu thereof "section 11502";
20 (B) by redesignating paragraphs (4), (5),
21 (6), and (7) as paragraphs (6), (7), (8), and (9),
22 respectively; and
23 (C) by inserting after paragraph (3) the
24 following new paragraphs:

1 "(4) the State will monitor performance by local
2 educational agencies to ensure compliance with the
3 requirements of this Act and-

4 "(A) maintain proper documentation of
5 monitoring activities;

6 "(B) provide technical assistance when
7 appropriate and undertake enforcement activities when
8 needed; and

9 "(C) systematically analyze the results of
10 audits and other monitoring activities to identify trends
11 in funding and to develop strategies to correct problems;

12 "(5) the data used by the State to measure its
13 performance (and that of its local educational agencies)
14 under this Act are complete, reliable, and accurate, or, if
15 not, that the State will take such steps as are necessary
16 to make those data complete, reliable, and accurate.";

17 (4) by repealing section 14304;

18 (5) by amending section 14305 to read as
19 follows:

20 "CONSOLIDATED LOCAL PLANS

21 "SEC. 14305. (a) GENERAL AUTHORITY. A local
22 educational agency receiving funds under more than one
23 covered program may submit plans to the State educational
24 agency under such programs on a consolidated basis.

1 "(b) CONSOLIDATED PLANS. A State educational agency
2 that has an approved consolidated State plan under section
3 11502 may require local educational agencies that receive
4 funds under more than one program included in the
5 consolidated State plan to submit consolidated local plans
6 for such programs.

7 "(c) COLLABORATION. A State educational agency shall
8 collaborate with local educational agencies in the State in
9 establishing criteria and procedures for the submission of
10 the consolidated local plans under this section.

11 "(d) CONTENTS. For each program under this Act that
12 may be included in a plan under this section, the Secretary
13 may designate the descriptions and information that must be
14 included in a local consolidated plan, to ensure that each
15 such program is administered in a proper and effective
16 manner in accordance with its purposes. ";

17 (6) in section 14306, by striking out "section
18 14304" and inserting in lieu thereof "section 11504";

19 (7) by repealing section 14307; and

20 (8) by adding at the end thereof a new section
21 to read as follows:

22 "CONSOLIDATED REPORTING

23 "SEC. 14307. In order to encourage integration and
24 coordination of resources, simplify reporting requirements,

1 and reduce reporting burden, the Secretary shall establish
2 procedures and criteria under which a State educational
3 agency must submit a consolidated State annual performance
4 report. Such a report shall contain information about the
5 programs included in the report, including the State's
6 performance under those programs, and other matters, as the
7 Secretary determines, such as information regarding
8 monitoring activities under part I and section 11503(a)(4).
9 Such a report shall take the place of individual annual
10 performance reports for the programs subject to it. "

12 WAIVERS

13 SEC. 1104. Part D of title XIV of the Act is amended—

14 (1) in section 14401(a), by inserting a comma
15 and "the Carl D. Perkins Vocational and Technical Education
16 Act of 1998, or subtitle B of title VII of the Stewart B.
17 McKinney Homeless Assistance Act" immediately after
18 "requirement of this Act";

19 (2) in section 14401(b), by amending paragraph
20 (1) to read as follows:

21 "(1) IN GENERAL. A State educational agency,
22 local educational agency, or Indian tribe that desires a
23 waiver shall submit an application to the Secretary at such
24 time, in such manner, and containing such information as

1 the Secretary may reasonably require. Each such application
2 shall—

3 "(A) identify each Federal program affected
4 and the statutory or regulatory requirement requested to be
5 waived;

6 "(B) describe the purpose and expected
7 results of waiving each such requirement;

8 "(C) describe for each school year
9 specific, measurable, educational goals for the State
10 educational agency and for each local educational agency,
11 Indian tribe, or school that would be affected by the
12 waiver; and

13 "(D) explain why the waiver would assist
14 the State educational agency and each affected local
15 educational agency, Indian tribe, or school in reaching
16 those goals.";

17 (3) in section 14401(c)—

18 (A) in paragraph (8) by—

19 (i) striking out "part C of title X"
20 and inserting in lieu thereof "part B of title V"; and

21 (ii) by striking out "or" at the end
22 thereof;

23 (B) in paragraph (9)—

1 (i) by striking out "section 14502"
2 and "section 14507" and inserting in lieu thereof "section
3 11702" and "section 11707", respectively; and
4 (ii) at the end thereof, by striking
5 out the period and inserting in lieu thereof a semi-colon
6 and "and"; and
7 (C) by adding at the end thereof a new
8 paragraph to read as follows:
9 "(10) health and safety."; and
10 (4) in section 14401(e)(4), by—
11 (A) striking out "fiscal year 1997" and
12 inserting in lieu thereof "fiscal year 2001"; and
13 (B) striking out "the Committee on
14 Education and Labor of the House of Representatives and the
15 Committee on Labor and Human Resources of the Senate" and
16 inserting in lieu thereof "the Committee on Education and
17 the Workforce of the House of Representatives and the
18 Committee on Health, Education, Labor and Pensions of the
19 Senate".

20

21 UNIFORM PROVISIONS

22 SEC. 1105. Part E of title XIV of the Act is amended—

23 (1) in section 14501(a), by inserting "(except
24 part C of title I)" immediately after "covered program";

1 (2) in section 14503--
2 (A) in subsection (a)(1), by inserting
3 "that address their needs" immediately before the period;
4 (B) by amending subsection (b)(1) to read
5 as follows:
6 "(1) IN GENERAL. This section applies to
7 programs under--
8 "(A) part C of title I;
9 "(B) part E of title I;
10 "(C) subpart 2 of part A of title II;
11 "(D) title III;
12 "(E) part A of title IV, other than section
13 4115; and
14 "(F) part A of title VII."; and
15 (C) in subsection (c)--
16 (i) in paragraph (1)--
17 (I) in subparagraph (C), by
18 striking out "and" at the end thereof;
19 (II) in subparagraph (D), by
20 striking out the period and inserting a semi-colon; and
21 (III) by adding at the end
22 thereof the following new subparagraphs:

1 "(E) to the extent applicable, the amount
2 of funds received by such agency that are attributable to
3 private school children; and

4 "(F) how and when such agency will make
5 decisions about the delivery of services to these
6 children."; and

7 (ii) by amending paragraph (2) to read
8 as follows:

9 "(2) TIMING. Such consultation shall include
10 meetings of agency and private school officials, shall
11 occur before the local educational agency makes any
12 decision that affects the opportunities of eligible private
13 school children, teachers, or other educational personnel
14 to participate in programs under this Act, and shall
15 continue throughout the implementation and assessment of
16 activities under this section. ";

17 (3) in section 14504, by striking out "section
18 14503" and "sections 14503, 14505, and 14506" and inserting
19 in lieu thereof "section 11703" and "sections 11703, 11705,
20 and 11706", respectively;

21 (4) in section 14506—

22 (A) in subsection (a)(1)(A), by striking
23 out "section 14504" and inserting in lieu thereof "section
24 11704";

1 (B) in subsection (b), by striking out
2 "section 14503" and inserting in lieu thereof "section
3 11703"; and

4 (C) in subsection (d), by striking out
5 "Improving America's Schools Act of 1994" and inserting in
6 lieu thereof "Educational Excellence for All Children Act
7 of 1999"; and

8 (5) by repealing section 14513 and section
9 14514.

10

11 REPEAL

12 SEC. 1106. Part F of title XIV of the Act is
13 repealed.

14

15 EVALUATION AND INDICATORS

16 SEC. 1107. Part G of title XIV of the Act is amended—

17 (1) by amending the heading thereof to read as
18 follows: "EVALUATION AND INDICATORS".

19 (2) in section 14701—

20 (A) in subsection (a)—

21 (i) in paragraph (1)—

22 (I) by redesignating

23 subparagraphs (B) and (C) as subparagraphs (C) and (D),
24 respectively;

1 (II) by inserting the following
2 new subparagraph (B):
3 "(B) conduct evaluations that carry out the
4 purposes of the Government Performance and Results Act of
5 1993 with respect to programs under this Act;"

6 (III) in subparagraph (C), as
7 redesignated by clause (i), by striking out "and" at the
8 end thereof;

9 (IV) in subparagraph (D), as
10 redesignated by clause (i), by striking out the period and
11 inserting in lieu thereof a semi-colon and "and"; and

12 (V) by adding at the end thereof
13 the following new subparagraph (E):
14 "(E) to work in partnership with the States
15 to develop information relating to program performance that
16 can be used to help achieve continuous program improvement
17 at the State, school district, and school levels.";

18 (B) by striking out subsections (b) and
19 (c); and

20 (C) by inserting after subsection (a) the
21 following new subsections:
22 "(b) NATIONAL EVALUATION. The Secretary shall use
23 funds reserved under subsection (a) to conduct independent
24 studies of programs under this Act and the effectiveness of

1 those programs in achieving their purposes, to determine
2 whether those programs (or the administration of those
3 programs) are—
4 "(1) contributing to improved student academic
5 performance;
6 "(2) supporting the development of challenging
7 standards and aligned assessments that guide other elements
8 of school reform, including teacher certification,
9 curriculum frameworks, instruction, and professional
10 development;
11 "(3) assisting efforts in schools and classrooms
12 to improve teaching and the climate for learning,
13 particularly in high-poverty schools, including efforts
14 related to technology, professional development, school
15 violence and drug prevention, and public school choice;
16 "(4) promoting flexibility with accountability;
17 "(5) supporting efforts to strengthen family and
18 community involvement in education;
19 "(6) targeting their resources effectively;
20 "(7) contributing to reform efforts and
21 continuous improvement; and
22 "(8) achieving other goals consistent with the
23 purposes of this Act.

1 "(c) INDEPENDENT PANEL. The Secretary shall
2 establish an independent panel to review studies under
3 subsection (b) to advise the Secretary on their progress,
4 and to comment, if the panel chooses, on the final report
5 described in subsection (d).

6 "(d) REPORTS. The Secretary shall submit an interim
7 report on the evaluation described in subsection (b) within
8 three years of enactment of the Educational Excellence for
9 All Children Act of 1999 and a final report within four
10 years of its enactment to the Committee on Education and
11 the Workforce of the House of Representatives and to the
12 Committee on Health, Education, Labor and Pensions of the
13 Senate.

14 "(e) PARTNERSHIPS TO STRENGTHEN PERFORMANCE
15 INFORMATION FOR IMPROVEMENT. The Secretary may provide
16 technical assistance to recipients of assistance under this
17 Act in order to strengthen the collection and assessment of
18 information relating to program performance and quality
19 assurance at the State and local levels. Such technical
20 assistance shall be designed to promote the development,
21 measurement, use, and reporting of data on valid, reliable,
22 timely, and consistent performance indicators, within and
23 across programs, and may include one-time grants, from
24 funds reserved under subsection (a), to recipients to

1 develop their data systems with the goal of helping
2 recipients make continuous program improvement. "; and
3 (3) by adding at the end thereof the following
4 new section:

5 "PERFORMANCE MEASURES

6 "SEC. 14702. (a) IN GENERAL. The Secretary is
7 authorized to establish performance indicators, benchmarks,
8 and targets for each program under this Act and subtitle B
9 of title VII of the Stewart B. McKinney Homeless Assistance
10 Act, to assist in measuring program performance.
11 Indicators, benchmarks, and targets under this section
12 shall be consistent with the Government Performance and
13 Results Act of 1993 (and strategic plans adopted by the
14 Secretary under that Act) and section 11501.

15 "(b) COLLABORATION. The Secretary shall collaborate
16 with State educational agencies, local educational
17 agencies, and other recipients under this Act in
18 establishing performance indicators, benchmarks, and
19 targets under this section.

20 "(c) PLANS AND APPLICATIONS. The Secretary may
21 require any applicant for funds under this Act or subtitle
22 B of title VII of the Stewart B. McKinney Homeless
23 Assistance Act to—

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"PROJECT DEVELOPMENT AND IMPLEMENTATION

"SEC. 11903. (a) APPLICATIONS. Each eligible entity desiring to use funds made available under section 11405(b) shall submit an application to the appropriate State educational agency at such time, in such manner, and accompanied by such information as that agency may reasonably require.

"(b) PROJECT ACTIVITIES. An eligible entity that wishes to conduct a coordinated services project shall—

"(1) maintain on file—
"(i) the results of its assessment of the economic, social, and health barriers to educational achievement experienced by children and families, including foster children and their foster families, in the community, and of the local, State, Federal, and privately funded services available to meet those needs;

"(ii) a description of the entities operating the coordinated services project;

"(iii) a description of its coordinated services project, the objectives of that project, where the project will be located, the community-wide partnership that will link public and private agencies providing services to children and their families, the staff that

1 will be used to carry out the project, and how the project
2 will meet the requirements in this part; and

3 "(iv) an annual budget that indicates the
4 sources and amounts of funds under this Act that will be
5 used for the project, consistent with section 11405(b), and
6 the purposes, by budget category, for which those funds
7 will be used;

8 "(2) evaluate annually the success of the
9 coordinated services project under this section in meeting
10 its goals and objectives;

11 "(3) train teachers and appropriate personnel on
12 the purposes, activities, and services of the coordinated
13 services project, and how children and families may obtain
14 those activities and services; and

15 "(4) ensure that the coordinated services
16 project addresses the health and welfare needs of migratory
17 families.

18 "(c) SPECIAL RULE. A State educational agency need
19 not require eligible entities to submit an application
20 under subsection (a) in order to permit them to carry out
21 coordinated services projects under this section. ";

22 (2) in section 11904(a)–

23 (A) in paragraph (1), by striking out
24 "section 14206(b)" and "section 11004(b)(1)" and inserting

1 in lieu thereof "section 11405(b) for a coordinated
2 services project" and "section 11903(b)(1)(i)",
3 respectively; and
4 (B) in paragraph (2), by striking out
5 "section 14206(b)" and inserting in lieu thereof "section
6 11405(b)"; and
7 (3) in section 11905—
8 (A) by striking out "Secretary" each place
9 it appears and inserting in lieu thereof "State educational
10 agency"; and
11 (B) by striking out "section 14206(b)" and
12 inserting in lieu thereof "section 11405(b)".

13

14 REDESIGNATIONS

15 SEC. 1109. Title XIV of the ESEA is further amended—

- 16 (1) by redesignating such title as title XI;
17 (2) by redesignating sections 14101, 14102, and
18 14103 as sections 11101, 11102, and 11103, respectively;
19 (3) by redesignating—
20 (A) part B as part D; and
21 (B) sections 14201, 14202, 14203, 14205,
22 and 14206 as sections 11401, 11402, 11403, 11404, and
23 11405, respectively;
24 (4) by redesignating—

1 (A) part C as part E; and
2 (B) sections 14301, 14302, 14303, 14305,
3 14306, and 14307 as sections 11501, 11502, 11503, 11504,
4 11505, and 11506, respectively;
5 (5) by redesignating—
6 (A) part D as part F; and
7 (B) section 14401 as section 11601;
8 (6) by redesignating—
9 (A) part E as part H; and
10 (B) sections 14501, 14502, 14503, 14504,
11 14505, 14506, 14507, 14508, 14509, 14510, 14511, and 14512
12 as sections 11801, 11802, 11803, 11804, 11805, 11806,
13 11807, 11808, 11809, 11810, 11811, and 11812, respectively;
14 (7) by redesignating—
15 (A) part G as part J; and
16 (B) sections 14701 and 14702 as sections
17 11911 and 11912, respectively; and
18 (8) by redesignating—
19 (A) part H as part K and
20 (B) sections 14801 and 14802 as sections
21 11921 and 11922, respectively.

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ED-FLEX PARTNERSHIPS

SEC. 1110. (a) IN GENERAL. The Education Flexibility

Partnership Act of 1999 (P.L. 106-25) is amended--

(1) by striking out everything before section 1;

(2) in section 1, by--

(A) striking out "Act" and inserting in
lieu thereof "part"; and

(B) striking out "of 1999";

(3) in section (2), by--

(A) striking out paragraph (5);

(B) redesignating paragraphs (6) and (7) as
paragraphs (5) and (6), respectively; and

(C) in paragraph (5), as redesignated by
subparagraph (B), by--

(i) striking out "Expansion of waiver
authority will allow for the waiver of" and inserting
"States should be allowed to waive"; and

(ii) striking out the comma after
"affected programs" and everything that follows through
"and maintaining" and inserting "and maintaining";

(4) by amending section 3 to read as follows:

1 "DEFINITIONS

2 "SEC. 3. As used in this part, the terms 'eligible
3 school attendance area' and 'school attendance area' have
4 the meanings given those terms in section 1113(a)(2) of
5 this Act. ";

6 (5) in section 4-

7 (A) in subsection (a)-

8 (i) in paragraph (2)-

9 (I) in the matter before
10 subparagraph (A), by inserting a comma after "section";
11 (II) by amending subparagraph (A)
12 to read as follows:

13 "(A) has an approved educational
14 accountability plan under section 11208 of this Act and is
15 making satisfactory progress, as determined by the
16 Secretary, in implementing its policies under sections
17 11204 and 11205 of this Act;"; and

18 (III) by amending subparagraph
19 (B) to read as follows:

20 "(B) has developed and implemented
21 challenging State content standards, challenging State
22 student performance standards, and aligned assessments
23 described in section 1111(b) of this Act; and";

24 (ii) in paragraph (3)(B)-

1 (I) in the matter before clause
2 (i), by striking out "such application" and inserting "it";
3 and
4 (II) in clause (iv)(I), by
5 striking out "have the ability to" and inserting "can";
6 (iii) in paragraph (4)(A)–
7 (I) in the matter before clause
8 (i), by inserting a comma immediately after "paragraph
9 (1)(A)" and immediately after "regulatory requirement", the
10 second time that phrase appears, respectively; and
11 (II) in clause (iv), by striking
12 out "why" and inserting "how";
13 (iv) in paragraph (5)–
14 (I) in subparagraph (B)(ii), by
15 striking out "each such State" and inserting in lieu
16 thereof "it"; and
17 (II) in subparagraph (C), by
18 striking out "2 years after the date of the enactment of
19 this Act" and inserting "May 1, 2001";
20 (v) in paragraph (6), by amending
21 subparagraph (A) to read as follows:
22 "(A) IN GENERAL. The Secretary shall not
23 approve the application of a State educational agency under
24 paragraph (3) for a period exceeding 5 years, except that

1 the Secretary may, in accordance with subparagraph (C),
2 extend that period if the Secretary determines that—
3 "(i) the State educational agency's
4 authority to grant waivers has been effective in enabling
5 that State or affected local educational agencies or
6 schools to carry out their State or local reform plans and
7 to continue to meet the accountability requirement
8 described in paragraph (2)(B); and
9 "(ii) the State has made significant
10 statewide gains in student achievement and in closing the
11 achievement gap between low- and high-performing
12 students."; and
13 (vi) in paragraph (7), by striking out
14 "1999" and inserting "2000";
15 (B) by amending subsection (b) to read as
16 follows:
17 "(b) INCLUDED PROGRAMS. The statutory and regulatory
18 requirements referred to in subsection (a)(1)(A) are any
19 requirements for programs carried out under the following
20 provisions:
21 "(1) Title I of this Act (other than subsection
22 (a) and (c) of section 1116).
23 "(2) Part A of title II of this Act.

1 "(3) Subpart 1 of part D of title III of this
2 Act.
3 "(4) Part A of title IV of this Act.
4 "(5) Title VI of this Act.
5 "(6) Part B of title VII of this Act.
6 "(7) The Carl D. Perkins Vocational and
7 Technical Education Act of 1998.
8 "(8) Subtitle B of title VII of the Stewart B.
9 McKinney Homeless Assistance Act.";
10 (C) in subsection (c)–
11 (i) in subparagraph (G), by striking
12 out "such Act" and inserting "this Act";
13 (ii) by redesignating subparagraphs
14 (H) and (I) as subparagraphs (I) and (J), respectively; and
15 (iii) by inserting a new subparagraph
16 (H) to read as follows:
17 "(H) the eligibility of a school for a
18 schoolwide program under section 1114 of this Act, except
19 that a State educational agency may grant a waiver to allow
20 a local educational agency to conduct a schoolwide program
21 in a school that serves an attendance area in which not
22 less than 40 percent of the children are from low-income
23 families or in which not less than 40 percent of the
24 children enrolled are from such families;"'

1 (D) in subsection (d)–
2 (i) in paragraph (1), by striking out
3 "the waiver authority" and inserting "that waiver
4 authority"; and
5 (ii) in paragraph (4), by–
6 (I) striking out "date of the
7 enactment of this Act" and inserting "effective date of
8 this part"; and
9 (II) striking out "subpart 2 of
10 part A of title III of the Elementary and Secondary
11 Education Act of 1965 (other than section 3136 of such
12 Act)" and inserting "subpart 1 of part D of title III of
13 this Act"; and
14 (E) at the end thereof, by adding a new
15 subsection (f) to read as follows:
16 "(f) TRANSITION. Waivers granted under applicable
17 ED-Flex authority prior to the effective date of this part
18 shall remain in effect in accordance with the terms and
19 conditions that applied to those waivers when they were
20 granted. Waivers granted on or after the effective date of
21 this part shall be subject to the provisions of this
22 part. ";

1 "PURPOSE

2 "SEC. 11202. It is the purpose of this part to
3 improve academic achievement for all children, assist in
4 meeting America's Education Goals under section 3 of this
5 Act, promote the incorporation of challenging State
6 academic content and student performance standards into
7 classroom practice, enhance the accountability of State and
8 local officials for student progress , and improve the
9 effectiveness of programs under this Act and the
10 educational opportunities of the students that they serve.

11

12 "TURNING AROUND FAILING SCHOOLS

13 "SEC. 11203. Consistent with section 1111(b)(3)(B) of
14 this Act, a State that receives assistance under this Act
15 shall develop and implement a statewide system for holding
16 its local educational agencies and schools accountable for
17 student performance that includes--

18 "(1) a procedure for identifying local
19 educational agencies and schools in need of improvement;

20 "(2) intervening in those agencies and schools
21 to improve teaching and learning; and

22 "(3) implementing corrective actions, if those
23 interventions are not effective.

24

1 "STUDENT PROGRESS AND PROMOTION POLICY

2 "SEC. 11204. (a) IN GENERAL. -(1) A State that
3 receives assistance under this Act shall, at the time it
4 submits its accountability plan under section 11208, have
5 in effect a State policy that is designed to-

6 "(A) ensure that students progress through
7 school on a timely basis, having mastered the challenging
8 material needed for them to reach high standards of
9 performance; and

10 "(B) end the practices of social promotion
11 and retention.

12 "(2) As used in this part, the term-

13 "(A) 'social promotion' means the unsound
14 educational practice of promoting students who have not
15 demonstrated mastery of challenging State academic
16 standards; and

17 "(B) 'retention' means the unsound
18 educational practice of requiring students who have not
19 demonstrated mastery of challenging State academic
20 standards to remain in the same grade, without the specific
21 educational interventions they need to master those
22 standards.

23 "(b) POLICY. In order to ensure that students will
24 progress through school and graduate having mastered the

1 challenging material needed for them to meet high standards
2 of performance, a State policy under subsection (a) shall—
3 "(1) require—
4 "(A) its local educational agencies to
5 implement continuing, intensive and comprehensive
6 educational interventions as may be necessary to ensure
7 that all students can meet the challenging academic
8 performance standards required under section 1111(b)(1)(A)
9 of this Act; and
10 "(B) all students to meet those
11 challenging standards before being promoted at three key
12 transition points (one of which shall be graduation from
13 secondary school), as determined by the State, consistent
14 with section 1111(b)(2)(D) of this Act;
15 "(2) require the State educational agency to
16 determine, through the collection of appropriate data,
17 whether local educational agencies and schools are ending
18 the practices of social promotion and retention;
19 "(3) require its local educational agencies to
20 provide to all students educational opportunities in
21 classrooms with qualified teachers who use proven
22 instructional practices that are aligned with the State's
23 challenging standards and who are supported by high-quality
24 professional development;

1 "(4) require its local educational agencies to
2 use effective, research-based prevention and early
3 intervention strategies to identify and support students
4 who need additional help to meet those promotion standards;

5 "(5) provide, with respect to students who have
6 not demonstrated mastery of challenging State academic
7 standards on a timely basis--

8 "(A) for continuing, intensive, and age-
9 appropriate interventions, including extended instruction
10 and learning time, such as after-school and summer programs
11 that are designed to help students master such material;

12 "(B) for other specific interventions, with
13 appropriate instructional strategies, to enable students
14 with limited English proficiency and students with
15 disabilities to master such material;

16 "(C) for the identification of the
17 knowledge and skills in particular subject areas that
18 students have not mastered, in order to facilitate
19 remediation in those areas;

20 "(D) for the development, by schools, of
21 plans to provide individualized attention to students who
22 have not mastered such material;

23 "(E) for full communication between the
24 school and parents, including a description and analysis of

1 the students' performance, how it will be improved, and how
2 parents will be involved in the process; and

3 "(F) in cases in which significant numbers
4 of students have failed to master such material, for a
5 State review of whether corrective action under section
6 1116 of this Act with respect to the school or local
7 educational agency is needed;

8 "(6) require its local educational agencies to
9 disseminate widely their policies under this subsection in
10 language and in a format that is concise and that parents
11 can understand; and

12 "(7) ensure that any assessments used by a
13 State, local educational agency, or school for the purpose
14 of implementing a policy under this subsection--

15 "(A) are aligned with the State's
16 challenging content and performance standards and provide
17 coherent information about student progress towards
18 attainment of those standards;

19 "(B) include multiple measures, including
20 teacher evaluations, no one of which may be assigned
21 determinative weight in making adverse decisions about
22 individual students;

23 "(C) offer multiple opportunities for
24 students to demonstrate that they meet the standards;

1 "(D) are valid and reliable for the
2 purposes for which they are used and must fairly and
3 accurately measure what students have been taught;
4 "(E) provide reasonable adaptations and
5 accommodations for students with disabilities and students
6 with limited English proficiency;
7 "(F) provide that students with limited
8 English proficiency are assessed, to the greatest extent
9 practicable, in the language and form most likely to yield
10 accurate and reliable information about what those students
11 know and can do; and
12 "(G) provide that Spanish-speaking students
13 with limited English proficiency are assessed using tests
14 written in Spanish, if Spanish-language assessments are
15 more likely than English-language tests to yield accurate
16 and reliable information on what those students know and
17 can do.
18 "(c) PLAN CONTENT. A State shall include in its
19 accountability plan under section 11208 a detailed
20 description of—
21 "(1) its policy under subsection (b), in
22 accordance with paragraph (2);
23 "(2) the strategies and steps (including

1 timelines and performance indicators) that the State will
2 take to ensure that its policy is fully implemented no
3 later than four years from the date of the approval of its
4 accountability plan; and

5 "(3) the steps that the State will take to
6 ensure that the policy is disseminated to all local
7 educational agencies and schools in the State and to the
8 general public.

9

10 "ENSURING TEACHER QUALITY

11 "SEC. 11205. (a) IN GENERAL. A State that receives
12 assistance under this Act shall, at the time it submits its
13 accountability plan under section 11208, have in effect a
14 policy that—

15 "(1) is designed to ensure that there are
16 qualified teachers in every classroom in the State; and

17 "(2) meets the requirements of this section.

18 "(b) POLICY. A policy to ensure teacher quality
19 under this section shall include the strategies that the
20 State will carry out to ensure that, within four years from
21 the date of the approval of its accountability plan—

22 "(1) not less than 95 percent of the teachers in
23 public schools in the State are certified or—

1 "(A) have a baccalaureate degree and are
2 enrolled in a program, such as an alternative certification
3 program, leading to full certification in their field
4 within three years; or

5 "(B) have full certification in another
6 State and are establishing certification where they are
7 teaching;

8 "(2) not less than 95 percent of the teachers in
9 public secondary schools in the State have academic
10 training or demonstrated competence in the subject area in
11 which they teach;

12 "(3) there is no disproportionate concentration
13 in particular school districts of teachers who are not
14 described in paragraphs (1) or (2); and

15 "(4) its certification process for new teachers
16 includes an assessment of content knowledge and teaching
17 skills that is aligned with State standards.

18 "(c) PLAN CONTENT. -(1) A State shall include in its
19 accountability plan under section 11208 the performance
20 indicators by which it will annually measure its progress
21 in-

22 "(A) decreasing the percentage of teachers
23 in the State teaching without full licenses or credentials;
24 and

1 "(B) increasing the percentage of
2 secondary school classes in core academic subject areas
3 taught by teachers who—
4 "(i) have a postsecondary-level
5 academic major or minor in the subject area they teach or a
6 related field; or
7 "(ii) otherwise demonstrate a high
8 level of competence through rigorous tests in their
9 academic subject.

10 "(2) In its accountability plan under
11 section 11208, a State shall assure that, in carrying out
12 this policy, it will not decrease the rigor or quality of
13 its teacher certification standards.

14

15 "SOUND DISCIPLINE POLICY

16 "SEC. 11206. (a) IN GENERAL. A State that receives
17 assistance under this Act shall, at the time it submits its
18 accountability plan under section 11208, have in effect a
19 policy that requires its local educational agencies and
20 schools to have in place and implement sound and equitable
21 discipline policies, in order to ensure a safe, orderly,
22 and drug-free learning environment in every school.

23 "(b) POLICY. A State discipline policy under this
24 section shall require local educational agencies and

1 schools to have in place and implement disciplinary
2 policies that—
3 "(1) focus on prevention and are coordinated
4 with prevention strategies and programs under title IV of
5 this Act;
6 "(2) apply to all students and are enforced
7 consistently and equitably;
8 "(3) are clear and understandable;
9 "(4) are developed with the participation of
10 school staff, students, and parents;
11 "(5) are broadly disseminated;
12 "(6) ensure that due process is provided;
13 "(7) are consistent with applicable Federal,
14 State and local laws, including the Individuals With
15 Disabilities Education Act;
16 "(8) ensure that teachers are adequately trained
17 to manage their classrooms effectively; and
18 "(9) in case of students who are suspended or
19 expelled from school, provide for appropriate supervision,
20 counseling, and educational services that will help those
21 students continue to meet the State's challenging
22 standards.
23 "(c) PLAN CONTENT. A State shall include in its
24 accountability plan under section 11208 an assurance that

1 it has in effect a policy that meets the requirements of
2 this section.

3

4 "EDUCATION REPORT CARDS

5 "SEC. 11207. (a) IN GENERAL. -(1) A State that
6 receives assistance under this Act shall, at the time it
7 submits its accountability plan under section 11208, have
8 in effect a policy that requires the development and
9 dissemination of annual report cards, regarding the status
10 of education and educational progress in the State and in
11 its local educational agencies and schools, that meet the
12 requirements of this section.

13 "(2) Report cards under this section shall-

14 "(A) be concise;

15 "(B) be disseminated in a format and manner
16 that parents can understand; and

17 "(C) focus on educational results.

18 "(b) CONTENT OF STATE-LEVEL REPORT CARD. -(1) The
19 State shall, at a minimum, include in the annual State-
20 level report card information regarding-

21 "(A) student performance on statewide
22 assessments, set forth on an aggregated basis, in both
23 reading (or language arts) and mathematics, as well as any

1 other subject area for which the State requires
2 assessments;
3 "(B) attendance and graduation rates in the
4 public schools of the State;
5 "(C) average class size in each of the
6 school districts in the State;
7 "(D) school safety, including the incidence
8 of school violence and drug and alcohol abuse and the
9 number of instances in which a student has possessed a
10 firearm at school, subject to the Gun-Free Schools Act; and
11 "(E) the professional qualifications of
12 teachers in the State, including the number of teachers
13 teaching with emergency credentials and the number of
14 teachers teaching out of their field of expertise.
15 "(2) Student achievement data in the report card
16 shall contain statistically sound, disaggregated results
17 for the following categories:
18 "(A) Gender.
19 "(B) Racial and ethnic group.
20 "(C) Migrant status.
21 "(D) Students with disabilities, as
22 compared to students who are not disabled.

1 "(E) Economically disadvantaged students,
2 as compared to students who are not economically
3 disadvantaged.

4 "(F) Students with limited English
5 proficiency, as compared to students who are proficient in
6 English.

7 "(3) A State may include in such report cards
8 any other information it determines appropriate to reflect
9 school quality and student achievement, such as information
10 on—

11 "(A) longitudinal achievement scores from
12 the National Assessment of Educational Progress or State
13 assessments;

14 "(B) parent involvement, as determined by
15 such measures as the extent of parental participation in
16 school parental involvement activities;

17 "(C) participation in extended learning
18 time programs, such as after-school and summer programs;
19 and

20 "(D) the performance of students in meeting
21 physical education goals.

22 "(c) CONTENT OF LOCAL EDUCATIONAL AGENCY AND SCHOOL

23 REPORT CARDS. —(1) The State shall ensure that each local

1 educational agency and each school in the State includes in
2 its annual report card, at a minimum—
3 "(A) the information described in
4 subsections (b)(1) and (b)(2); and
5 "(B)(i) in the case of a local educational
6 agency—
7 "(I) the number of schools
8 identified as low-performing schools, such as schools
9 identified as in need of improvement under section
10 1116(c)(1) of this Act; and
11 "(II) information that shows how
12 students in its schools performed on statewide assessments
13 compared to students in the rest of the State (including
14 such comparisons over time, if the information is
15 available); or
16 "(ii) in the case of a school—
17 "(I) whether it has been
18 identified as a low-performing school; and
19 "(II) information that shows how
20 its students performed on statewide assessments compared to
21 students in the rest of the local educational agency and
22 the State (including such comparisons over time, if the
23 information is available).

1 "(2) Local educational agencies and schools may
2 include in their annual report cards the information
3 described in subsection (b)(3) and any other appropriate
4 information.

5 "(d) DISSEMINATION AND ACCESSIBILITY OF REPORT
6 CARDS.-(1) State-level report cards under subsection (b)
7 shall be posted on the Internet, disseminated to all
8 schools and local educational agencies in the State, and
9 made broadly available to the public.

10 "(2) Local educational agency report cards under
11 subsection (c) shall be disseminated to all schools in the
12 school district and to all parents of students attending
13 these schools, and made broadly available to the public,
14 through such means as posting on the Internet.

15 "(3) School report cards under subsection (c)
16 shall be disseminated to all parents of students attending
17 that school and be made broadly available to the public,
18 through such means as posting on the Internet.

19 "(e) PLAN CONTENT. A State shall include in its
20 accountability plan under section 11208 an assurance that
21 it has in effect a policy that meets the requirements of
22 this section.

1 "EDUCATION ACCOUNTABILITY PLANS

2 "SEC. 11208. (a) IN GENERAL. Each State that
3 receives assistance under this Act on or after July 1, 2000
4 shall have on file with the Secretary an approved
5 accountability plan that meets the requirements of this
6 section.

7 "(b) CONTENT. An accountability plan under
8 subsection (a) shall include—

9 "(1) a description of the State's system under
10 section 11203;

11 "(2) a description of the steps the State will
12 take to ensure that all local educational agencies have the
13 capacity needed to ensure compliance with this part;

14 "(3) the information or assurances called for by
15 sections 11204(c), 11205(c), 11206(c), and 11207(e);

16 "(4) information indicating that the Governor
17 and the State educational agency concur with the plan; and

18 "(5) any other information that the Secretary
19 may reasonably require to ensure the proper and effective
20 administration of this part.

21 "(c) REPORTS.—(1) A State shall report annually to
22 the Secretary, in such form and containing such information
23 as the Secretary may require, on its progress in carrying
24 out the requirements of this part, and shall include such

1 report in its consolidated State performance report under
2 section 11506 .

3 "(2) In reporting on its progress in
4 implementing its student progress and social promotion
5 policy under section 11204, a State shall assess the effect
6 of its policy, and its implementation, in improving
7 academic achievement for all children and otherwise
8 carrying out the purpose specified in section 11202.

9 "(d) RELATIONSHIP TO CONSOLIDATED PLAN. -(1) If a
10 State submits a consolidated State plan under section
11 11502, it shall include in that plan its accountability
12 plan under this section.

13 "(2) If a State does not submit a consolidated
14 State plan, it shall submit a separate accountability plan
15 under this section to receive assistance under this Act.

16 "(e) APPROVAL. -(1)(A) The Secretary shall approve an
17 accountability plan under this section if the Secretary
18 determines that it complies substantially with the
19 requirements of this part.

20 "(B) The Secretary may accompany the
21 approval of a plan with conditions that are consistent with
22 the purpose of this part.

1 "(2) In reviewing accountability plans under
2 this part, the Secretary shall employ the peer-review
3 procedures under section 11502(e).

4 "(3) If a State does not submit a consolidated
5 State plan under section 11502, the Secretary shall, in
6 considering that State's separate accountability plan under
7 this section, employ such procedures, comparable to those
8 set forth in section 11502(e), as the Secretary may
9 determine.

10

11 "AUTHORITY OF SECRETARY TO ENSURE ACCOUNTABILITY

12 "SEC. 11209. (a) REMEDIES FOR SUBSTANTIAL FAILURE.

13 If the Secretary determines that a State has failed
14 substantially to carry out a requirement of this part or a
15 provision in its approved accountability plan under section
16 11208 , or that its performance has failed substantially to
17 meet a performance indicator in such plan, the Secretary
18 shall take, consistent with applicable due process
19 procedures, one or more of the following steps to ensure
20 that the purpose of this part is carried out promptly:

21 "(1) Providing, or arranging for the provision
22 of, technical assistance to the State educational agency in
23 question.

24 "(2) Requiring a plan for corrective action.

1 "(3) Suspending or terminating authority to
2 grant waivers under applicable ED-Flex authority.

3 "(4) Suspending or terminating eligibility to
4 participate in competitive programs under this Act.

5 "(5) Withholding, in whole or in part, State
6 administrative funds available under this Act.

7 "(6) Withholding, in whole or in part, program
8 funds available to such State under the Act.

9 "(7) Imposing one or more conditions upon the
10 Secretary's approval of a State plan or application under
11 this Act.

12 "(8) Taking other action authorized under part D
13 of the General Education Provisions Act, such as a cease-
14 and-desist order or compliance agreement.

15 "(9) Taking any other appropriate accountability
16 step that is consistent with this Act, including referral
17 to the Department of Justice for enforcement.

18 "(b) EFFECTIVE ENFORCEMENT. If remedial steps taken
19 by the Secretary under subsection (a) fail to correct the
20 State's non-compliance , the Secretary shall take one or
21 more additional steps under subsection (a) to bring the
22 State into compliance.

1 "RECOGNITION AND REWARDS

2 "SEC. 11210. (a) IN GENERAL. If the Secretary
3 determines that a State has demonstrated significant,
4 statewide achievement gains in core subjects, as measured
5 by the National Assessment of Educational Progress for
6 three consecutive years, is closing the achievement gap
7 between low- and high-performing students, and has in place
8 strategies for continuous improvement, including
9 improvement in reducing the practices of social promotion
10 and retention, the Secretary shall, in light of all the
11 circumstances, including the size of those gains, recognize
12 and reward the State, as described under subsection (b).

13 "(b) REWARDS. The Secretary shall establish, through
14 regulation, a system for recognizing and rewarding States
15 described under subsection (a). Such rewards may include—

16 "(1) conferring priority in competitive programs
17 under this Act;

18 "(2) increased flexibility in administering
19 programs under this Act, consistent with maintaining
20 accountability; and

21 "(3) supplementary grants or administrative
22 funds to carry out the purposes of this Act.

23 "(c) AUTHORIZATION. There are authorized to be
24 appropriated for fiscal year 2001 and each of the four

1 succeeding fiscal years, such sums as may be necessary to
2 carry out subsection (b)(3).

3

4 "BEST PRACTICES AND MODELS

5 "SEC. 11211. In implementing this part, the Secretary
6 shall, after consulting with State and local educational
7 agencies and other agencies, institutions, and
8 organizations with experience or information relevant to
9 the purpose of this part, disseminate information about
10 best practices, models, and other forms of technical
11 assistance.

12

13 "CONSTRUCTION

14 "SEC. 11212. Nothing in this part shall be construed
15 as affecting home schooling or the application of the civil
16 rights laws or the Individuals with Disabilities Education
17 Act. ".

18

19 AMERICA'S EDUCATION GOALS PANEL

20 SEC. 1112. Title XI of the ESEA, as redesignated by
21 section 1109, is further amended by adding a new part C to
22 read as follows:

1 "PART C - AMERICA'S EDUCATION GOALS PANEL

2

3 "PURPOSE

4 "SEC. 11301. It is the purpose of this part to

5 establish a bipartisan mechanism for--

6 "(1) building a national consensus for education

7 improvement; and

8 "(2) reporting on progress toward achieving

9 America's Education Goals.

10

11 "AMERICA'S EDUCATION GOALS PANEL

12 "SEC. 11302. (a) ESTABLISHMENT. There is established

13 an America's Education Goals Panel (hereinafter in this

14 part referred to as the 'Goals Panel') to advise the

15 President, the Secretary, and the Congress.

16 "(b) COMPOSITION. The Goals Panel shall be composed

17 of 18 members (hereinafter in this part referred to as

18 'members'), including--

19 "(1) 2 members appointed by the President;

20 "(2) 8 members who are Governors, 3 of whom

21 shall be from the same political party as the President and

22 5 of whom shall not be from same political party as the

23 President, appointed by the Chairperson and Vice

24 Chairperson of the National Governors' Association, with

1 the Chairperson and Vice Chairperson each appointing
2 representatives of such Chairperson's or Vice Chairperson's
3 respective political party, in consultation with each
4 other;

5 "(3) 4 Members of the Congress, of whom—

6 "(A) 1 member shall be appointed by the
7 Majority Leader of the Senate from among the Members of the
8 Senate;

9 "(B) 1 member shall be appointed by the
10 Minority Leader of the Senate from among the Members of the
11 Senate;

12 "(C) 1 member shall be appointed by the
13 Majority Leader of the House of Representatives from among
14 the Members of the House of Representatives; and

15 "(D) 1 member shall be appointed by the
16 Minority Leader of the House of Representatives from among
17 the Members of the House of Representatives; and

18 "(4) 4 members of State legislatures appointed
19 by the President of the National Conference of State
20 Legislatures, of whom 2 shall be of the same political
21 party as the President of the United States.

22 "(c) SPECIAL APPOINTMENT RULES. —(1) IN GENERAL. The
23 members appointed pursuant to subsection (b)(2) shall be
24 appointed as follows:

1 "(A) If the Chairperson of the National
2 Governors' Association is from the same political party as
3 the President, the Chairperson shall appoint 3 individuals
4 and the Vice Chairperson of such association shall appoint
5 5 individuals.

6 "(B) If the Chairperson of the National
7 Governors' Association is not from the same political party
8 as the President, the Chairperson shall appoint 5
9 individuals and the Vice Chairperson of such association
10 shall appoint 3 individuals.

11 "(3) REPRESENTATION. To the extent feasible,
12 the membership of the Goals Panel shall be geographically
13 representative and reflect the racial, ethnic, and gender
14 diversity of the United States.

15 "(d) TERMS. The terms of service of members shall be
16 as follows:

17 "(1) PRESIDENTIAL APPOINTEES. Members appointed
18 under subsection (b)(1) of this section shall serve at the
19 pleasure of the President.

20 "(2) GOVERNORS. Members appointed under
21 paragraph (2) of subsection (b) of this section shall serve
22 for 2-year terms, except that the initial appointments
23 under such paragraph shall be made to ensure staggered

1 terms with one-half of such members' terms concluding every
2 2 years.

3 "(3) CONGRESSIONAL APPOINTEES AND STATE
4 LEGISLATORS. Members appointed under paragraphs (3) and
5 (4) of subsection (b) shall serve for 2-year terms.

6 "(e) VACANCIES. A vacancy on the Goals Panel shall
7 not affect its powers, but shall be filled in the same
8 manner as the original appointment.

9 "(f) TRAVEL. Each member may be allowed travel
10 expenses, including per diem in lieu of subsistence, as
11 authorized by section 5703 of title 5 of the United States
12 Code for each day the member is engaged in the performance
13 of duties for the Goals Panel away from the home or regular
14 place of business of the member.

15 "(g) CHAIRPERSON. -(1) IN GENERAL. Subject to
16 paragraph (3), the members shall select a Chairperson from
17 among themselves.

18 "(2) TERM. The Chairperson of the Goals Panel
19 shall serve a 1-year term.

20 "(3) POLITICAL AFFILIATION. The duties of the
21 Chairperson shall alternate between political parties .

22 "(h) CONFLICT OF INTEREST. A member of the Goals
23 Panel who is an elected official of a State that has
24 developed content or student performance standards may not

1 participate in Goals Panel consideration of that State's
2 standards.

3 "(i) EX OFFICIO MEMBER. If the President has not
4 appointed the Secretary as 1 of the 2 members the President
5 appoints pursuant to subsection (b)(1), then the Secretary
6 shall serve as a nonvoting ex officio member of the Goals
7 Panel.

8

9 "DUTIES

10 "SEC. 11303. (a) IN GENERAL. The Goals Panel shall—

11 "(1) report to the President, the Secretary, and
12 the Congress regarding the progress the Nation and the
13 States are making toward achieving America's Education
14 Goals established under section 2 of this Act, including
15 issuing an annual report;

16 "(2) report on promising or effective actions
17 being taken at the national, State, and local levels, and
18 in the public and private sectors, to achieve America's
19 Education Goals; and

20 "(3) help build a nationwide, bipartisan
21 consensus for the reforms necessary to achieve America's
22 Education Goals.

23 "(b) REPORT.—(1) IN GENERAL. The Goals Panel shall
24 annually prepare and submit to the President, the

1 Secretary, the appropriate committees of Congress, and the
2 Governor of each State a report that shall—

3 "(A) report on the progress of the United
4 States toward achieving America's Education Goals; and

5 "(B) identify actions that should be taken
6 by Federal, State, and local governments to enhance
7 progress toward achieving America's Education Goals and to
8 provide all students with a fair opportunity to learn.

9 "(2) FORM; DATA. Reports under this subsection
10 shall be presented in a form, and include data, that is
11 understandable to parents and the general public.

12

13 "POWERS OF THE GOALS PANEL

14 SEC. 11304. (a) HEARINGS.—(1) IN GENERAL. The Goals
15 Panel shall, for the purpose of carrying out this part,
16 conduct such hearings, sit and act at such times and
17 places, take such testimony, and receive such evidence, as
18 the Goals Panel considers appropriate.

19 "(2) REPRESENTATION. In carrying out this part,
20 the Goals Panel shall conduct hearings to receive reports,
21 views, and analyses of a broad spectrum of experts and the
22 public on the establishment of voluntary national content
23 standards, voluntary national student performance
24 standards, and State assessments.

1 "(b) INFORMATION. The Goals Panel may secure
2 directly from any department or agency of the United States
3 information necessary to enable the Goals Panel to carry
4 out this part. Upon request of the Chairperson of the
5 Goals Panel, the head of a department or agency shall
6 furnish such information to the Goals Panel to the extent
7 permitted by law.

8 "(c) POSTAL SERVICES. The Goals Panel may use the
9 United States mail in the same manner, and under the same
10 conditions, as other departments and agencies of the United
11 States.

12 "(d) USE OF FACILITIES. The Goals Panel may, with or
13 without reimbursement, and with the consent of any agency
14 or instrumentality of the United States, or of any State or
15 political subdivision thereof, use the research, equipment,
16 services, and facilities of such agency, instrumentality,
17 State, or political subdivision, as the case may be.

18 "(e) ADMINISTRATIVE ARRANGEMENTS AND SUPPORT. -(1) IN
19 GENERAL. The Secretary shall provide to the Goals Panel,
20 on a reimbursable basis, such administrative support
21 services as the Goals Panel may request.

22 "(2) CONTRACTS AND OTHER ARRANGEMENTS. The
23 Secretary, to the extent appropriate, and on a reimbursable

1 basis, shall make contracts and other arrangements that are
2 requested by the Goals Panel to help it compile and analyze
3 data or carry out other functions necessary to the
4 performance of its responsibilities.

5 "(f) GIFTS. The Goals Panel may accept, administer,
6 and utilize gifts or donations of services, money, or
7 property, whether real or personal, tangible or intangible.

8

9 "ADMINISTRATIVE PROVISIONS

10 "SEC. 11305. (a) MEETINGS. The Goals Panel shall
11 meet on a regular basis, as necessary, at the call of the
12 Chairperson of the Goals Panel or a majority of its
13 members.

14 "(b) QUORUM. A majority of the members shall
15 constitute a quorum for the transaction of business.

16 "(c) VOTING AND FINAL DECISIONS. -(1) VOTING. No
17 individual may vote, or exercise any of the powers of a
18 member, by proxy.

19 "(2) FINAL DECISIONS. -(A) In making final
20 decisions of the Goals Panel with respect to the exercise
21 of its duties and powers, the Goals Panel shall operate on
22 the principle of consensus among the members of the Goals
23 Panel.

1 "(B) Except as otherwise provided in this
2 part, if a vote of the membership of the Goals Panel is
3 required to reach a final decision with respect to the
4 exercise of its duties and powers, then such final decision
5 shall be made by a three-fourths vote of the members of the
6 Goals Panel who are present and voting.

7 "(d) PUBLIC ACCESS. The Goals Panel shall ensure
8 public access to its proceedings (other than proceedings,
9 or portions of proceedings, relating to internal personnel
10 and management matters) and make available to the public,
11 at reasonable cost, transcripts of such proceedings.

12

13 "DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS

14 "SEC. 11306. (a) DIRECTOR. The Chairperson of the
15 Goals Panel, without regard to the provisions of title 5 of
16 the United States Code relating to the appointment and
17 compensation of officers or employees of the United States,
18 shall appoint a Director to be paid at a rate not to exceed
19 the rate of basic pay payable for level V of the Executive
20 Schedule.

21 "(b) APPOINTMENT AND PAY OF EMPLOYEES. -(1) IN
22 GENERAL. -(A) The Director may appoint not more than 4
23 additional employees to serve as staff to the Goals Panel
24 without regard to the provisions of title 5 of the United

1 States Code governing appointments in the competitive
2 service.

3 "(B) The employees appointed under
4 subparagraph (A) may be paid without regard to the
5 provisions of chapter 51 and subchapter III of chapter 53
6 of that title relating to classification and General
7 Schedule pay rates, but shall not be paid a rate that
8 exceeds the maximum rate of basic pay payable for GS-15 of
9 the General Schedule.

10 "(2) ADDITIONAL EMPLOYEES. The Director may
11 appoint additional employees to serve as staff to the Goals
12 Panel in accordance with title 5 of the United States Code.

13 "(c) FEDERAL EMPLOYEES. Any individual appointed to
14 serve as the Director of, or as staff to, the Goals Panel
15 on or after March 31, 1994, is an 'employee' within the
16 definition of section 2105 of title 5, United States Code.

17 "(d) EXPERTS AND CONSULTANTS. The Goals Panel may
18 procure temporary and intermittent services of experts and
19 consultants under section 3109(b) of title 5 of the United
20 States Code.

21 "(e) STAFF OF FEDERAL AGENCIES. Upon the request of
22 the Goals Panel, the head of any department or agency of
23 the United States may detail any of the personnel of such

1 agency to the Goals Panel to assist the Goals Panel in its
2 duties under this part.

3

4 "AUTHORIZATION OF APPROPRIATIONS

5 "SEC. 11307. For purposes of carrying out this part,
6 there are authorized to be appropriated such sums as may be
7 necessary for fiscal year 2001 and for each of the four
8 succeeding fiscal years. ".

9

10 REPEAL

11 SEC. 1113. Title XII of the ESEA is repealed.